

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIM. NO. 1:20-CR-298</b>
	:	
v.	:	
	:	
	:	
<b>DANIEL GUTMAN and</b>	:	
<b>BENJAMIN GUTMAN</b>	:	

**ORDER**

Pursuant to the October 21, 2020 amendment to Rule 5 of the Federal Rules of Criminal Procedure the Court provides the prosecution and defense counsel with the following notice that confirms the disclosure obligation of the prosecution under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, to disclose exculpatory information to the defense in the above-captioned case.

Under Brady the prosecution must produce material evidence in its possession custody or control favorable to the accused. This obligation to produce favorable evidence includes both exculpatory evidence and information which may impeach government witnesses when that evidence is material either to guilt or punishment.

Such disclosures must be made in a timely manner in order to allow the use of the exculpatory information in the defense of the case.

The failure to comply with this due process obligation may result in dismissal

of charges, exclusion of evidence, adverse inference jury instructions, contempt proceedings or sanctions against counsel.

So ordered this 30<sup>th</sup> day of November 2020.

*S/Martin C. Carlson*

Martin C. Carlson

United States Magistrate Judge